

UNITED STATES BANKRUPTCY COURT
Eastern District of Missouri
Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street, Fourth Floor
St. Louis, MO 63102

In re:
Julie Smith

Case No.: 23-40639 – A659
Chapter: 13

Debtor(s)

PRE-CONFIRMATION ORDER AND NOTICE OF DISMISSAL

TO: ALL CREDITORS AND PARTIES IN INTEREST

PLEASE TAKE NOTE: THIS CASE IS BEFORE THE COURT FOR DISMISSAL FOR THE REASON(S) IDENTIFIED BY ☒ BELOW.

The Debtor(s):

- ☐ moved to dismiss this case in accordance with 11 U.S.C. § 1307(b).
- ☐ failed to file ☐ a Chapter 13 Plan; ☐ one or more Schedules and/or Statement of Affairs; ☐ a Matrix and/or Verification of Matrix in the proper form and within the time permitted; ☐ a Statement of Current Monthly Income/Disposable Income Calculation Form (B122); ☐ a Credit Counseling Certificate indicating compliance with 11 U.S.C. § 109(h)(1), a Certification of Exigent Circumstances, or a Motion for Exemption from Credit Counseling under § 109(h)(4); or ☐ Debtor(s) failed to provide Social Security Number or B121 Form(s) within the time permitted; ☐ Debtor's attorney failed to file a Rule 2016(b) Disclosure of Compensation; and/or ☐ . The Court advised the Debtor(s) and Debtor's attorney that failure to file these documents properly within the time specified would result in dismissal of the case.
- ☐ failed to appear at the meeting of creditors and failed to obtain the Chapter 13 Trustee's consent to a further continued date. The Chapter 13 Trustee has certified that he notified the Debtor(s) that failure to appear at the continued hearing would result in dismissal of the case.
- ☐ failed to provide ☐ tax documents to the Trustee in accordance with §521(e)(2)(B) and orders of this Court; and/or ☐ payment advices to the Trustee in accordance with the § 521(a)(1)(B)(iv) and orders of this Court.
- ☐ failed to pay the appropriate filing fee; failed to file a proper Application to Pay Filing Fees in Installments at the time the petition was filed or within such additional time allowed, LR 1002 A.; or failed to pay the filing fee on the terms set forth in the Order Approving Installment Fee Application previously entered in this case.

The Chapter 13 Trustee:

- ☐ moved in writing or at a hearing, orally requested dismissal of this case in accordance with ☐ 11 U.S.C. § 1307(c)(1) for unreasonable delay; ☐ § 1307(c)(2) for nonpayment of fees under chapter 123 of title 28; ☐ § 1307(c)(4) for failure to commence making plan payments; ☐ § 1307(c)(5) for denial of confirmation of a plan and denial of request for additional time for filing another plan or modification; ☐ § 1307(c)(11) for failure to pay domestic support obligations; ☐ § 1307(e) for failure to file taxes required under § 1308; ☐ for abuse of the bankruptcy process; ☐ for Debtor(s)' failure to turn over the tax return(s); and/or ☐ for Debtor(s)' failure to comply with a Court order, and after notice and hearing;

A Party in Interest

- ☒ other than the Chapter 13 Trustee, moved to dismiss this case ☐ for cause in accordance with 11 U.S.C. § 1307(c);
☐ for failure to comply with a Court order; ☒ for failure to provide tax documents in accordance with § 521(e)(2)(C)
and orders of this Court, ☐ for failure to pay any domestic support obligations that first became payable after the
date of the filing of the petition in accordance with § 1307(c)(11); and/or ☐ for other abuse of the bankruptcy
process, as more fully stated in the written motion, and after notice and hearing;

The Missouri Department of Revenue

- ☐ moved to dismiss this case in accordance with 11 U.S.C. § 1307(c)(1) for unreasonable delay in filing tax return(s),
and the Debtor(s) have failed to respond to the motion, or after notice and hearing;

The Court

- ☐ on its own motion or show cause, moved to dismiss this case under 11 U.S.C. § 105(a) for failure to comply with a
Court order and/or for abuse of the bankruptcy process.

Other Reason(s) for Dismissal:

☐

ACCORDINGLY,

IT IS ORDERED for the reasons set forth in the motion or on the record at hearing, if any, the Motion to Dismiss
identified in this Order and Notice is **GRANTED**, and this Chapter 13 case is **DISMISSED** prior to entry of an order of
discharge.

IT IS FURTHER ORDERED Debtor(s)' employer(s) is/are directed to cease withholding from Debtor(s)' wages in
respect to this Chapter 13 case, and this Court's Order to Deduct from Wages or Other Income is hereby terminated.

IT IS FURTHER ORDERED ANY PARTY OTHER THAN THE CHAPTER 13 TRUSTEE, WHO SEEKS PAYMENT FOR
ANY CLAIM UNDER 11 U.S.C. § 503(b), SHALL HAVE 14 DAYS FROM THE DATE OF THIS ORDER WITHIN WHICH TO
FILE AN APPLICATION FOR ALLOWANCE OF AN ADMINISTRATIVE EXPENSE CLAIM. Any party seeking payment shall
serve such application on the Debtor(s) and Chapter 13 Trustee. Compensation to the Chapter 13 Trustee and payment of
fees due this Court shall be awarded as specified herein without application.


IT IS FURTHER ORDERED Any application for payment of attorneys' fees by counsel who have elected the flat fee
option must include: (1) a general description of the services performed and the amount of fees and costs requested
(detailed time entries are not required); (2) the case number, chapter, and date of filing for all prior cases filed by the
Debtor(s); and (3) a statement explaining the reason for dismissal of any case filed within three years of the date of this
case.

IT IS FURTHER ORDERED that the Chapter 13 Trustee, shall pay the unpaid portion, if any, of the filing fee due the
Court for this case, and then shall pay, pro rata, other claims allowed under 11 U.S.C. § 503(b). After paying such claims,
the Trustee is directed to return any remaining funds to the Debtor(s) or as otherwise may be ordered. Any pre-confirmation
disbursements made by the Chapter 13 Trustee prior to the entry of this Order are allowed and approved by the Court.

- ☐ **IT IS FURTHER ORDERED** that this case is dismissed under U.S.C. § 109(g)(1) and the Debtor(s) is/are prohibited
from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days following the date of entry of this
order pursuant to In re Montgomery, 37 F.3d 413 (8th Cir. 1994).
- ☐ **IT IS FURTHER ORDERED** that this case is dismissed under U.S.C. § 109(g)(2) and the Debtor(s) is/are prohibited
from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days following the date of entry of this
order.
- ☐ **IT IS FURTHER ORDERED** that this case is dismissed with prejudice under 11 U.S.C. § 105(a) and the Debtor(s) is/are
prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days following the date of
entry of this order.
- ☐ **IT IS FURTHER ORDERED** that since the Debtor(s) owe(s) \$ for the filing fee in this case, the Debtor(s) **MUST PAY
THIS AMOUNT TO THE COURT WITHIN FIVE BUSINESS DAYS FOLLOWING THE ENTRY OF THIS ORDER.** If the
Debtor(s) fail(s) to pay the amount owed to the Court within five business days, the Debtor(s) is/are prohibited from filing
a petition under Title 11 of the United States Bankruptcy Code for 180 days following the date of dismissal. If the
Debtor(s) file(s) a subsequent bankruptcy case while prior filing fees remain outstanding, the Court will ordinarily deny
any Application to Pay Filing Fees in Installments in the subsequent case.

Certificate of Notice Pg 3 of 6

IT IS FURTHER ORDERED that the automatic stays of 11 U.S.C. § 362 are hereby terminated, AND ANY MATTERS NOT PREVIOUSLY DISPOSED OF ARE DENIED AS MOOT ON THE FILING OF THE CHAPTER 13 TRUSTEE'S FINAL REPORT. The Chapter 13 Trustee is directed to promptly file his final report and upon so doing is discharged as Trustee and is relieved of and discharged from his bond.

Handwritten signature of Kathy A. Surnoff-States in black ink.

U.S. Bankruptcy Judge

Dated: 5/25/23
St. Louis, Missouri
Rev. 01/23 preconfo

United States Bankruptcy Court
Eastern District of MissouriIn re:
Julie Smith
DebtorCase No. 23-40639-kss
Chapter 13**CERTIFICATE OF NOTICE**District/off: 0865-4
Date Rcvd: May 25, 2023User: admin
Form ID: preconfoPage 1 of 3
Total Noticed: 32

The following symbols are used throughout this certificate:

Symbol Definition

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 27, 2023:

Recip ID	Recipient Name and Address
db	+ Julie Smith, 108 Timberrun, Saint Peters, MO 63376-6842
25331837	+ Day Knight, Attn: Bankruptcy Dept, P O Box 5, Grover, MO 63040-0005
25331846	+ National Health Care Col, Attn: Bankruptcy Dept, 153 Chesterfield Business Parkway Ste. 2, Chesterfield, MO 63005-1233
25331851	Robert Smith, 6100 Saphire Village, Unit 149, St Thomas, VI 00802

TOTAL: 4

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: ecfnofices@dor.mo.gov	May 25 2023 23:28:00	Missouri Department of Revenue, Bankruptcy Unit, PO Box 475, 301 W High St, Jefferson City, MO 65101-1517
25331833	Email/Text: ebn@americollect.com	May 25 2023 23:28:00	Americollect, Inc, Po Box 1566, 1851 South Alverno Road, Manitowoc, WI 54221
25333541	Email/Text: GUARBKe-courtdocs@ascendiumeducation.org	May 25 2023 23:28:00	Ascendium Education Solutions, Inc, PO Box 8961, Madison WI 53708-8961
25331831	+ EDI: AARGON.COM	May 26 2023 03:20:00	Aargon Agency Inc, Attn: Bankruptcy, 8668 Spring Mountain Road, Las Vegas, NV 89117-4132
25331832	+ Email/Text: jhill@arc1.biz	May 25 2023 23:28:00	Account Resolution Corp, Attn: Bankruptcy, 700 Goddard Ave, Chesterfield, MO 63005-1100
25331834	+ EDI: CAPIO.COM	May 26 2023 03:20:00	AssetCare, Attn: Bankruptcy, 2222 Texoma Parkway, Suite 180, Sherman, TX 75090-2484
25331835	+ Email/Text: accountservices@consumercollection.com	May 25 2023 23:28:00	Consumer Collection Management, Inc., Attn: Bankruptcy, Po Box 1839, Maryland Heights, MO 63043-6839
25331836	+ EDI: CCS.COM	May 26 2023 03:20:00	Credit Collection Services, Attn: Bankruptcy, 725 Canton St, Norwood, MA 02062-2679
25350762	Email/Text: ECMCBKNotices@ecmc.org	May 25 2023 23:28:00	Educational Credit Management Corporation, PO Box 16408, St. Paul, MN, 55116-0408
25331838	+ EDI: AMINFOFP.COM	May 26 2023 03:20:00	First Premier Bank, Attn: Bankruptcy, Po Box 5524, Sioux Falls, SD 57117-5524
25331840	+ EDI: IRS.COM	May 26 2023 03:19:00	IRS, PO Box 7346, Insolvency Unit, Philadelphia, PA 19101-7346
25331841	+ Email/Text: PBNCNotifications@peritussservices.com	May 25 2023 23:28:00	Kohls/Capital One, Attn: Credit Administrator, Po Box 3043, Milwaukee, WI 53201-3043
25341612	Email/PDF: resurgentbknofications@resurgent.com	May 25 2023 23:35:12	LVNV Funding LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
25331842	+ Email/Text: JRepa@mcacollectionagency.com	May 25 2023 23:27:00	MCA Management Co, Attn: Bankruptcy, 2835a High Ridge Blvd, High Ridge, MO 63049-2209

District/off: 0865-4

User: admin

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Date Rcvd: May 25, 2023

Form ID: preconfo

Total Noticed: 32

25339262	Email/PDF: MerrickBKNotifications@Resurgent.com	May 25 2023 23:34:45	MERRICK BANK, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
25331843	+ Email/PDF: MerrickBKNotifications@Resurgent.com	May 25 2023 23:34:53	Merrick Bank Corp, Po Box 9201, Old Bethpage, NY 11804-9001
25331844	+ Email/Text: EDI@CACIONLINE.NET	May 25 2023 23:28:00	Midwest Recovery Systems, Attn: Bankruptcy, Po Box 899, Florissant, MO 63032-0899
25332365	+ Email/Text: ecfnofices@dor.mo.gov	May 25 2023 23:28:00	Missouri Department of Revenue, PO Box 475, 301 W High St, Jefferson City MO 65101-1517
25331845	+ Email/Text: ecfnofices@dor.mo.gov	May 25 2023 23:28:00	Missouri Dept of Revenue, 301 W High St, Jefferson City, MO 65101-1517
25331847	+ EDI: NAVIENTFKASMSERV.COM	May 26 2023 03:20:00	Navient, Attn: Bankruptcy, Po Box 9500, Wilkes-Barre, PA 18773-9500
25331848	+ EDI: AGFINANCE.COM	May 26 2023 03:19:00	OneMain Financial, Attn: Bankruptcy, Po Box 3251, Evansville, IN 47731-3251
25363050	+ EDI: JEFFERSONCAP.COM	May 26 2023 03:20:00	Premier Bankcard, LLC, Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud MN 56302-7999
25343700	EDI: Q3G.COM	May 26 2023 03:20:00	Quantum3 Group LLC as agent for, CF Medical LLC, PO Box 788, Kirkland, WA 98083-0788
25331849	+ Email/PDF: resurgentbknotifications@resurgent.com	May 25 2023 23:34:54	Resurgent Capital Services, Attn: Bankruptcy, Po Box 10497, Greenville, SC 29603-0497
25331852	+ Email/Text: CRevLegalNotices@sccmo.org	May 25 2023 23:27:00	St Charles County, Collector of Revenue, 201 N Second St, Suite 134, Saint Charles, MO 63301-2870
25331853	+ Email/Text: bankruptcy@bbandt.com	May 25 2023 23:28:00	Truist, 214 N. Tryon St, Charlotte, NC 28202-1078
25340418	+ Email/Text: bankruptcy@bbandt.com	May 25 2023 23:28:00	Truist Bank, P.O. Box 27767, Bankruptcy Department 306-40-04-95, Richmond, VA 23261-7767
25332366	+ Email/Text: usamoe.bankruptcy.filings@usdoj.gov	May 25 2023 23:28:00	United States Attorney, 111 South 10th Street, 20th Floor, St. Louis MO 63102

TOTAL: 28

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
25331839	*+	First Premier Bank, Attn: Bankruptcy, Po Box 5524, Sioux Falls, SD 57117-5524
25331850	*+	Resurgent Capital Services, Attn: Bankruptcy, Po Box 10497, Greenville, SC 29603-0497

TOTAL: 0 Undeliverable, 2 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

District/off: 0865-4

User: admin

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Date: May 27, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 25, 2023 at the address(es) listed below:

Name	Email Address
Cynthia M Kern Woolverton	on behalf of Creditor Truist Bank bkty@msfirm.com cwoolverton@ecf.courtdrive.com
Diana S. Daugherty	standing_trustee@ch13stl.com trust33@ch13stl.com
Office of US Trustee	USTPRegion13.SL.ECF@USDOJ.gov
Susan L. Lissant	on behalf of Creditor Missouri Department of Revenue edmoecf@dor.mo.gov
William H. Ridings, Jr.	on behalf of Debtor Julie Smith ridingslaw2003@yahoo.com

TOTAL: 5